

United States District Court
For the Northern District of California

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3 *E-FILED ON 3/26/2007*
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NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES FOR THE USE AND
BENEFIT OF H-SQUARE MECHANICAL,
INC.,

No. C06-05646 HRL

Plaintiff,
v.
KUDSK CONSTRUCTION, INC.,
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA,

**ORDER GRANTING SECOND
STIPULATED REQUEST TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE**

Defendants.

AND RELATED CROSS-ACTIONS

On December 18, 2006, this court granted the parties' stipulated request for a ninety-day continuance of the Initial Case Management Conference (CMC) and continued the Initial CMC to March 27, 2007. The parties' were ordered to file their Joint Case Management Statement no later than March 20, 2007. Additionally, the parties agreed to participate in private mediation, and they were directed to complete that mediation within ninety days of the court's December 18, 2006 order.

No joint statement was filed by the ordered deadline. Instead, on March 26, 2007 – the eve of the date set for the Initial CMC – the parties filed a second stipulated request for

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1 a continuance. They say that negotiations which may resolve the matter are still ongoing; and,
2 they request that the Initial CMC be continued for sixty days. It is not clear whether these
3 negotiations are part and parcel of the private mediation the parties were to complete by March
4 19, 2007. Nevertheless, the request will be granted because there appears to be some possibility
5 that the present negotiations will resolve the entire case. However, the parties are advised that
6 the court is not inclined to grant any further requests for continuances or extensions of the
7 Initial CMC or related deadlines.

8 Based on the foregoing, IT IS ORDERED THAT:

9 1. The Initial CMC currently set for March 27, 2007 has been **continued to May**
10 **29, 2007, 1:30 p.m. in Courtroom 2.**

11 2. The parties' Joint Case Management Statement shall be filed no later than **May**
12 **22, 2007.**

13 3. All other deadlines in the court's Order Setting Initial Case Management
14 Conference are adjusted accordingly.

15 Dated: March 26, 2007

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17 HOWARD RALLOYD
UNITED STATES MAGISTRATE JUDGE

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1 **5:06-cv-5646 Notice will be electronically mailed to:**

2 Lori A. Lutzker llutzker@cmith.com

3 Michelle Leu Zaccone mzaccone@cmithlaw.com

4
5 **Counsel are responsible for distributing copies of this document to co-counsel who have**
6 **not registered for e-filing under the court's CM/ECF program.**

7 **5:06-cv-5646 Courtesy copy will be mailed to:**

8 Lester G. Sachs
9 1905 The Alameda, Suite. 2
10 San Jose, CA 95126

11 **Counsel is reminded of the obligation to register for e-filing pursuant to General Order**
12 **No. 45.**